

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 726

94TH GENERAL ASSEMBLY

Reported from the Committee on Education, February 7, 2008, with recommendation that the Senate Committee Substitute do pass.

3388S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapters 208 and 210, RSMo, by adding thereto three new sections relating to child care facilities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 208 and 210, RSMo, is amended by adding thereto
2 three new sections, to be known as sections 208.026, 208.046, and 210.205, to
3 read as follows:

**208.026. By July 1, 2009, all licensed child care providers serving
2 families receiving state-funded child care assistance shall be
3 reimbursed at the current market rate for child care as established by
4 the biennial state market rate survey conducted by the department of
5 social services pursuant to 42 U.S.C. section 601 et. seq. and 45 CFR
6 98.43(b)(2).**

**208.046. 1. The children's division shall promulgate rules to
2 become effective no later than July 1, 2009, to modify the income
3 eligibility criteria for any person receiving state-funded child care
4 assistance under this chapter, either through vouchers or direct
5 reimbursement to child care providers, as follows:**

6 **(1) For incomes of less than one hundred forty percent of the
7 federal poverty level for the applicable family size, such persons
8 receiving state-funded child care assistance under this chapter shall be
9 eligible, subject to appropriations, to receive child care subsidy
10 benefits, less a sliding fee established by the children's division based
11 on family size and income;**

12 **(2) A person receiving state-funded child care assistance under
13 this chapter and whose income surpasses one hundred forty percent of
14 the federal poverty level for the applicable family size may continue to**

15 receive reduced subsidy benefits on a scale established by the
16 children's division until such person's income reaches one hundred
17 eighty-five percent of the federal poverty level for the applicable family
18 size, at which time such person will have assumed the full cost of the
19 maximum base child care subsidy rate established by the children's
20 division and shall be no longer eligible for child care subsidy benefits;

21 (3) If appropriations in a given fiscal year are insufficient to
22 provide the subsidy established under this chapter for all eligible
23 recipients, the children's division shall establish a waiting list and
24 promulgate rules for the prioritization of eligible recipients on the
25 waiting list.

26 2. The sliding scale fee established in this section for child care
27 subsidy recipients may be waived for children with special needs as
28 established by the children's division.

29 3. Any rule or portion of a rule, as that term is defined in section
30 536.010, RSMo, that is created under the authority delegated in this
31 section shall become effective only if it complies with and is subject to
32 all of the provisions of chapter 536, RSMo, and, if applicable, section
33 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
34 and if any of the powers vested with the general assembly pursuant to
35 chapter 536, RSMo, to review, to delay the effective date, or to
36 disapprove and annul a rule are subsequently held unconstitutional,
37 then the grant of rulemaking authority and any rule proposed or
38 adopted after August 28, 2008, shall be invalid and void.

210.205. 1. By September 1, 2008, the department of social
2 services in collaboration with the departments of health and senior
3 services, elementary and secondary education, and mental health shall
4 develop a quality rating system for early childhood and before- and
5 after-school programs licensed by the department of health and senior
6 services that operate in this state. Such ratings shall be built upon
7 Missouri's current system of licensing and regulation. The base level
8 of the rating system shall be licensing, and the highest level of the
9 rating system shall include accreditation by a state or nationally
10 recognized accrediting agency. The department of social services shall
11 utilize the model from the existing Missouri quality rating system pilots
12 developed by the University of Missouri Center for Family Policy and
13 Research, or any successor organization, to establish this system.

14 **2. The quality rating system shall:**

15 **(1) Provide information for consumers and parents to evaluate**
16 **and select high quality programs;**

17 **(2) Create an accountability system for policymakers and those**
18 **who fund early childhood and before- and after-school programs;**

19 **(3) Guide providers through a system of ever increasing levels**
20 **of quality with specific outcomes.**

21 **3. By July 1, 2011, all licensed facilities voluntarily receiving**
22 **quality improvement funds or services shall be rated, upon the**
23 **facilities' request, using the quality rating system established under**
24 **this section. The coordinating board for early childhood, established**
25 **under section 210.102, shall develop a plan for a tiered system of**
26 **reimbursement for child care subsidies based on the quality rating**
27 **system established under this section. By December 31, 2009, a**
28 **proposed plan with recommendations for implementation of the**
29 **reimbursement system shall be submitted to the general assembly. The**
30 **plan shall only become effective after passage of a concurrent**
31 **resolution by the general assembly authorizing the implementation of**
32 **the plan.**

33 **4. There is hereby created in the state treasury the "Quality**
34 **Rating System Program Improvement Grant Fund". Within this fund**
35 **there is created a first sub-account which shall consist of all gifts,**
36 **donations, transfers, and bequests to the fund. Notwithstanding the**
37 **provisions of section 33.080, RSMo, to the contrary, any moneys**
38 **remaining in this first sub-account shall not revert to the credit of the**
39 **general revenue fund. There is also created a second sub-account**
40 **consisting of moneys appropriated by the general assembly. Any**
41 **moneys remaining in this second sub-account shall at the end of the**
42 **biennium revert to the credit of the general revenue fund. The state**
43 **treasurer shall be custodian of the fund and may approve**
44 **disbursements from the fund in accordance with sections 30.170 and**
45 **30.180, RSMo. Upon appropriation, money in the fund shall be used**
46 **solely for the administration of this section to provide grants directly**
47 **to licensed providers seeking assistance for quality improvements to**
48 **undergo evaluation under the quality rating system established under**
49 **this section or to community-based organizations assisting providers**
50 **with such improvements. The fund shall be administered by the**

51 department of social services. The state treasurer shall invest moneys
52 in the fund in the same manner as other funds are invested. Any
53 interest and moneys earned on such investments shall be credited to
54 the fund.

55 5. The department of social services in collaboration with the
56 departments of health and senior services and elementary and
57 secondary education shall be responsible for:

58 (1) Collecting and distributing resource materials to educate the
59 public and early childhood and before- and after-school programs in
60 Missouri about the quality rating system established under this section;

61 (2) Developing and distributing educational materials, including
62 but not limited to brochures and other media as part of a
63 comprehensive public relations campaign about the useful and
64 informational system of assessing the quality of child care and early
65 childhood programs in Missouri; and

66 (3) A site to post ratings of the quality rating system on the
67 Internet in a format easily understood and accessible by the public by
68 January 1, 2010.

69 6. The department of social services shall promulgate rules to
70 implement the provisions of this section. Any rule or portion of a rule,
71 as that term is defined in section 536.010, RSMo, that is created under
72 the authority delegated in this section shall become effective only if it
73 complies with and is subject to all of the provisions of chapter 536,
74 RSMo, and, if applicable, section 536.028, RSMo. This section and
75 chapter 536, RSMo, are nonseverable and if any of the powers vested
76 with the general assembly pursuant to chapter 536, RSMo, to review, to
77 delay the effective date, or to disapprove and annul a rule are
78 subsequently held unconstitutional, then the grant of rulemaking
79 authority and any rule proposed or adopted after August 28, 2008, shall
80 be invalid and void.

81 7. For purposes of this section, "early childhood program" shall
82 mean programs that are both centered and home-based and providing
83 services for children from birth to kindergarten.

84 8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

85 (1) The provisions of the new program authorized under this
86 section shall automatically sunset six years after the effective date of
87 this section unless reauthorized by an act of the general assembly; and

88 **(2) If such program is reauthorized, the program authorized**
89 **under this section shall automatically sunset six years after the**
90 **effective date of the reauthorization of this section; and**

91 **(3) This section shall terminate on September first of the**
92 **calendar year immediately following the calendar year in which the**
93 **program authorized under this section is sunset.**

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